

From: JShealA-Hearing Resource
Sent: Monday, February 15, 2021 7:45 PM
To: JShealA-HearingNPEm Resource
Subject: Case Chronology and RIEs
Attachments: ML21043A306_OI Case Chrono_2-2019-015_Redacted.pdf

From: JShealA-Hearing Resource
Sent: Sunday, February 14, 2021 4:57 PM
To: JShealA-HearingNPEm Resource <JShealA-HearingNPEm.Resource@nrc.gov>
Subject: <A E>

Hearing Identifier: JShea_IA_NonPublic
Email Number: 1260

Mail Envelope Properties (8b5e856c400e4966b22303c491d56880)

Subject: Case Chronology and RIEs
Sent Date: 2/15/2021 7:45:16 PM
Received Date: 2/15/2021 7:45:18 PM
From: JShealA-Hearing Resource

Created By: JShealA-Hearing.Resource@nrc.gov

Recipients:
"JShealA-HearingNPEm Resource" <JShealA-HearingNPEm.Resource@nrc.gov>
Tracking Status: None

Post Office: HQPWMSMRS02.nrc.gov

Files	Size	Date & Time
MESSAGE	183	2/15/2021 7:45:18 PM
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Options
Priority: Normal
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:

From: Luina, Scott
Sent: Thursday, November 5, 2020 11:25 AM
To: JSheaIA-Hearing Resource
Subject: Case Chronology and RIEs
Attachments: RIE_20201105112354.pdf; RIE_20201105112302.pdf

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Hearing Identifier: JShea_IA_NonPublic
Email Number: 857

Mail Envelope Properties (DM6PR09MB528860A33E5F147A4CE1FF1CFBEE0)

Subject: Case Chronology and RIEs
Sent Date: 11/5/2020 11:25:09 AM
Received Date: 11/5/2020 11:25:12 AM
From: Luina, Scott

Created By: Scott.Luina@nrc.gov

Recipients:
"JShealA-Hearing Resource" <JShealA-Hearing.Resource@nrc.gov>
Tracking Status: None

Post Office: DM6PR09MB5288.namprd09.prod.outlook.com

Files	Size	Date & Time
MESSAGE	285	11/5/2020 11:25:12 AM
RIE_20201105112354.pdf	89530	
RIE_20201105112302.pdf	89997	

Options
Priority: Normal
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:

RECORD OF INVESTIGATIVE EVENTS

Facility:	WATTS BAR 1	Case Agent:	LUINA, SCOTT (SXL6)
Case Number:	2-2019-015	Date Opened:	04/22/2019
Docket Number(s):	05000390	ECD:	01/31/2020
Case Code:	Reactor Power	Priority:	Normal
Primary Alleg Source:	(A) Allegor	Status:	
Allegation Number(s):	RII-2018-A-0098		
Subject/Allegation:	DISCRIMINATION AGAINST A FORMER MANAGER FOR RAISING NUCLEAR SAFETY CONCERNS		

Monthly Status Report:

04/22/2019 On October 15, 2018, the Nuclear Regulatory Commission (NRC), Region II (RII) Enforcement Investigations Coordination Staff (EICS) received an allegation from Beth WETZEL, Manager Emerging Regulatory Issues at Tennessee Valley Authority (TVA).

WETZEL raised concerns and had discussions with her management about regulatory compliance issues. WETZEL claimed she has been subjected to a continuing hostile work environment and was suspended on October 15, 2018, with pay and given the opportunity to be fired or take a no-fault separation settlement. WETZEL stated that ever since Erin HENDERSON, Corporate Licensing Manager (CLM), became her supervisor, she has tried to demote or move the her. WETZEL stated that she felt the work environment was so toxic that she requested a rotation at NEI (Nuclear Energy Institute). According to WETZEL, she has been at NEI for the last 6 months. However, on October 11, 2018, WETZEL was told she had to report at the TVA corporate offices on October 15, 2018, to have a performance review discussion with Joe SHEA, Vice President Nuclear Regulatory Affairs. When the WETZEL showed up, she was met by SHEA and HR. WETZEL stated that she was informed that she was being suspended with pay and given the opportunity to be fired or take a no fault separation settlement. The reason for the suspension/termination was due to WETZEL violating the 'No Fear Executive Policy' and allegedly creating a hostile work environment for her supervisor (HENDERSON). WETZEL was informed by SHEA, that WETZEL violated this policy and created a hostile work environment for the HENDERSON by 1) providing derogatory information about HENDERSON to an OGC investigator during an investigation and 2) because the WETZEL took away HENDERSON's ability to do her job by preventing the HENDERSON from approving WETZEL's travel to NEI.

As for reason #1, the WETZEL stated that there was a TVA OGC investigation going on in the spring before she went to NEI. WETZEL was interviewed and asked what she and others thought of HENDERSON. WETZEL was truthful and indicated that she did not believe that HENDERSON was qualified for her position but that WETZEL had always been professional about it. That WETZEL thought the HENDERSON was vindictive, plays people against each other, and uses HR policies against individuals. WETZEL stated that SHEA quoted some of the things WETZEL said during the OGC interview and told her that what she said to the OGC investigator was a hostile work environment. WETZEL stated that she was merely sharing her opinion as requested by the OGC investigator.

As for reason #2, WETZEL stated that when the WETZEL requested the rotation to NEI, HENDERSON tried to block her and tried to manipulate the travel rules. They had multiple meetings with HR, etc. to iron out the travel details. WETZEL knew that if she got in trouble for violating any travel policies she would be terminated. After the meeting with HR, WETZEL's understanding was that the travel agreement would be written down. When WETZEL asked HENDERSON about the write up, HENDERSON just sent her an email telling her to just follow the travel policies. WETZEL felt that HENDERSON was going to use any travel issues to fire the WETZEL. WETZEL emailed the SHEA stating so and SHEA told her not to worry, that he was going to approve her travel and that her travel was in between SHEA and WETZEL. SHEA approved WETZEL's travel for some time and then she received an email that HENDERSON was now approving her travel. WETZEL was told by SHEA that because she took the travel approval duty away from HENDERSON and that WETZEL had created a hostile work environment for HENDERSON.

When WETZEL was asked why she believes HENDERSON wanted to get rid of her, WETZEL stated that HENDERSON was vindictive and knew she couldn't control anything WETZEL said. WETZEL believes HENDERSON found out what WETZEL said during the OGC interview and during previous interviews with ECP about the her. WETZEL stated that she would question during meetings why CRs were not being initiated and she questioned a response provided to the NRC regarding a WB2 surveillance extension request. WETZEL could not recall the details of the technical issues at the time of the call and indicated that the details had been provided to the NRC via her previous allegation with the NRC (RII-2017-A-0114).

NRC EICS NOTE: WETZEL's previous allegation RII-2017-A-0114 was reviewed for protected activity and found the following safety concerns: Issue 1: Non-compliance with Fukushima Rule due to unprotected CST. WETZEL raised concerns that SQN was not in compliance with the Fukushima requirements due to an unprotected CST. HENDERSON allegedly dismissed the issue because her husband was supervisor of Fukushima Engineering at SQN. his is not new information. Issue 2: NRC commitments not identified in March 23 CEL Response. WETZEL identified that the April 22 Letter responding to the March 23 CEL did not identify which items were NRC commitments (apparently in violation of TVA corporate licensing procedures). WETZEL claims that the failure to follow the procedure likely resulted in the 50.9 violation. According to WETZEL, HENDERSON did nothing with the concern so she eventually wrote a CR to document the concern. Issue 3: Watts Bar 2 TS surveillances not performed during forced outages. WETZEL raised concerns as to why Watts Bar was not performing TS surveillances that they had committed to performing if Unit 2 entered Mode 4. TVA committed to perform certain surveillances, prior to the next refueling outage, if the Unit ever entered Mode 4 for any other reason. TVA entered Mode 4 due to a forced outage, but requested relief from their previous commitments (for whatever reason).

On October 23, 2018, Regional Counsel, NRC, RII, concluded that WETZEL had alleged sufficient facts to establish a prima facie case of discrimination. WETZEL was offered an opportunity to participate in the NRC's Alternative Dispute Resolution (ADR) Program. On April 13, 2019, WETZEL stated that she prefers an Office of Investigations (OI) investigation and after ADR failed to resolve the matter. Violation of 10 CFR 50.7 (Employee protection) and 10 CFR 50.5 (Del berate misconduct) pertain. Statute of Limitations (SOL) tolls on October 15, 2023. Status: FWP ECD (90 days) 7/2019

Status: FWP ECD: 07/22/2019

05/31/2019 On May 9, 2019, OI:RII conducted an interview of WETZEL who provided additional details surrounding her discrimination complaint.

On May 22, 2019, OI:RII requested from Chris CHANDLER, TVA Attorney, documents related to WETZEL's termination.

On May 23, 2019, OI:RII conducted interviews of former TVA employee Edward D SCHRULL and ECP Manager, Deanna L. FULTS. SCHRULL provided general information related to WETZEL's work performance and the environment in corporate nuclear licensing. FULTS provided details related the Employee Review Board (ERB) and the decision to terminate WETZEL's employment. Investigation continues.

Status: FWP ECD: 07/31/2019

OFFICIAL USE ONLY - OI INVESTIGATION INFORMATION

RECORD OF INVESTIGATIVE EVENTS

Facility:	WATTS BAR 1	Case Agent:	LUINA, SCOTT (SXL6)
Case Number:	2-2019-015	Date Opened:	04/22/2019

06/25/2019	On June 11, 2019, OI:RII submitted the WETZEL transcript to Regional Counsel for prima facie review. OI:RII conducted interviews of TVA employees Amanda E. POLAND, Director Human Resources Nuclear and Steven M. BONO, Senior VP of Nuclear Operations. On June 12, 2019, OI:RII conducted interviews of TVA employees Jonathan T. JOHNSON, Site Licensing Manager Sequoyah, Erin K. HENDERSON, Director of Plant Support Sequoyah, and Joseph W. SHEA, VP Regulatory Affairs and Support Services. A complete review and analysis of these interviews will be completed upon receipt of the transcripts. Investigation continues. Status: FWP ECD: 07/31/2019
07/25/2019	During this reporting period, the case agent received the OI transcripts and began review. Case Agent also continued the review of case related documents. Status: FWP ECD: 10/31/2019
08/26/2019	During this reporting period, OI:RII continued a review of TVA documents obtained to date. OI:RII also coordinated with DOL and NRC staff on a pending DOL media release related to DOL's findings for WETZEL's claim of harassment with DOL. Case Agent also worked on higher priority investigation during this period. Investigation continues. Status: FWP ECD: 10/31/2019
09/23/2019	During this reporting period, OI:RII conducted interviews of TVA employees Ed SCHRULL, Zachary KITTS, and Alecia JUSTICE. Investigation continues. Status: FWP ECD: 10/31/2019
10/28/2019	On October 3, 2019, OI:RII conducted interviews of TVA employees Chris RIEDL, Russell THOMPSON and Inza HAGINS-DYER. From September 30 until October 10, 2019, OI:RII requested several documents and emails from the TVA OGC. OI:RII has been following up on the status of this request with TVA OGC who has been gathering and searching for the documents requested. Investigation continues. Status: FWP ECD: 01/31/2020
11/25/2019	During this reporting period, OI:RII received several of the previously requested documents from TVA OGC. OI:RII scheduled additional interviews of TVA employees and an additional interview of WETZEL. On November 13, 2019, OI:RII conducted an additional interview of WETZEL to obtain clarifying information related to her interview with TVA OGC Attorney John SLATER. On November 14, 2019, OI:RII conducted interviews of TVA employees, Joe CALLE, Amanda POLLAND, Arcie Reeves and Paula WILLINGHAM. These individuals provided information related to WETZEL's ERB. On November 20, 2019, OI:RII conducted an interview of SLATER who provided information related to his investigation into HENDERSON's complaint and the interview of WETZEL and others. A complete review and analysis of these interviews will be completed upon receipt of the transcripts. Investigation continues. Status: FWP ECD: 01/31/2020
12/23/2019	During this reporting period, OI:RII received the interview transcripts and began a review and analysis. OI:RII and Regional Counsel received a letter from outside counsel for TVA demanding the return of what TVA has determined to be an attorney client privileged document in the possession of OI:RII. [REDACTED] OI:RII contacted TVA OGC attorneys Christopher CHANDLER and Jennifer GRACE, the authors of the document, to determine their availability for an OI interview. OI:RII was contacted by Timothy WALSH, outside counsel for TVA, and advised he would represent them for their OI interviews and asked to delay the interviews [REDACTED]. Investigation continues. Status: FWP ECD: 01/31/2020
01/21/2020	Case was closed as substantiated on January 21, 2020. Status: CLO ECD: 01/01/1900
08/24/2020	NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY – \$606,942, NRC OFFICE OF INVESTIGATIONS REPORT NUMBERS 2-2018-033 AND 2-2019-015
08/24/2020	NOTICE OF VIOLATION to Erin Henderson. Details maintained by OE.
08/24/2020	ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES (NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2019-015) - Joe SHEA. Details maintained by OE.

Completion Date:	01/21/2020	Total Staff Hours:	441.5
Issue Date:		Months Open:	9
DOJ Action(s):		DOJ Referral Date:	
OI Violation(s):		Statute of Limitations Date:	10/15/2023

CASE CHRONOLOGY

Facility:	WATTS BAR 1	Case Agent:	LUINA, SCOTT (SXL6)
Case Number:	2-2019-015	Date Opened:	04/22/2019

Date	Activity
04/24/2019	Left message for Alleger at 423-290-8301
04/25/2019	Case review
04/26/2019	Submitted IP
	Sent email to Alleger to coordinate interview.
05/03/2019	Scheduled interview of Alleger for May 9, 2019, in Chattanooga, TN.
05/09/2019	Traveled to Chattanooga, TN and conducted interview of Alleger.
05/17/2019	Case review
05/20/2019	received and reviewed Alleger Transcript.
05/21/2019	Condcuted an interview of Inza HAGINS-DYER
05/22/2019	Requested from TVA OGC documents related to WETZEL's termination.
05/23/2019	Condcuted interviews of Edward D SCHRULL and Deanna L. FULTS.
06/03/2019	Case Review
06/11/2019	Traveled to Chattanooga, TN and conducted an interview of Amanda E. POLAND and Steven M. BONO
06/11/2019	Submitted Alleger Transcript to EICS for technical and Prima Facie review.
06/12/2019	Traveled to Chattanooga, TN and conducted an interview of Jonathan T. JOHNSON, Erin K. HENDERSON and Joseph W. SHEA.
06/24/2019	Case Review conducted.
07/25/2019	Continued review/analysis of transcripts and documents.
07/26/2019	Case Review
07/31/2019	Provided the NRC staff and RII PA Officers the DOL media release related to DOL's substantiated findings in the WETZEL case.
08/01/2019	Provided the DOL with recommended comments from NRC staff related to the WETZEL DOL media release,
08/14/2019	condcuted review of documents from TVA
08/26/2019	Case Review conduted
08/26/2019	DOL's media release went out
	Case Agent provided DOL media release to NRC staff and RII PA
08/27/2019	Attempted to schedule interview with Alesia Justice COX and Ed SCHRULL
08/27/2019	Condcuted a follow-up telephone interview with SCHRULL to ask a clarifying question. He resides in Dallas, TX now.
08/27/2019	Condcuted a follow-up telephone interview with SCHRULL to ask a clarifying question. He resides in Dallas, TX now.
08/28/2019	Traveled to Sequoyah and interviewed Zachary KITTS
	Traveled to TVA Corporate in Chattanooga, TN and interviewed Alesia Justic COX
09/10/2019	Began ROI writing.
09/23/2019	Case Review conducted.

CASE CHRONOLOGY

Facility: WATTS BAR 1 Case Agent: LUINA, SCOTT (SXL6)
 Case Number: 2-2019-015 Date Opened: 04/22/2019

09/30/2019 Requested the following from CHANDLER

1. All interview notes or writeups from TVA OGC investigation, dated August 10, 2018, conducted by John E. Slater.
2. In the WETZEL ERB package for TVA Form (section attached). The answers to questions 12 and 13, reference "past examples of termination for significant issues of harassment were identified through discussion with HR leadership. Specific cases are not discussed further here."

10/02/2019 Scheduled interviews with Chris RIEDL, Russel THOMPSON and Inza HAGINS-DYER for October 3-4, 2019 in Chattanooga, TN

10/02/2019 Left message for Bob THACKER.

10/03/2019 Traveled to chattanooga and conducted interviews of Chris RIEDL, Russel THOMPSON and Inza HAGINS-DYER.

10/07/2019 requested WETZEL's performance appraisals for FY 2016, 2017 and 2018 from CHANDLER.

10/18/2019 Sent email to TVA OGC and requested the status of the documents requested to date.

10/28/2019 Case review

10/29/2019 Michael V. Bernier, Attorney, Office of the General Counsel (OGC), Tennessee Valley Authority (TVA) who related he has compiled most of the documents and items requested by OI:RII and will be providing some this week.

Provided information that was previously provided by CHANDLER that TVA OGC was unable to locate ECP File ECP-CHA-2014-006-CC which was referenced by FULTS in her OI interview and referenced in a previous ECP file

10/31/2019 received most of the requested documents from TVA OGC

11/05/2019 received the SLATER notes from TVA OGC.

Scheduled interviews of TVA employees, CALLE, POLLAND and REEVES for Nov 14 in Chattanooga, TN

Scheduled interview of WETZEL for Nov 13 in Signal Mountain TN

Scheduled interview of SLATER for Nov 20 in Knoxville, TN

11/13/2019 Traveled to Signal Mountain, TN and conducted interview of WETZEL.

11/14/2019 Conducted interview of Joe CALLE, Amanda POLLAND, Arcie REEVES and Paula WILLINGHAM.

11/19/2019 Traveled to Knoxville, TN

11/20/2019 Conducted interview of SLATER in the presence of Timothy WALSH (Attorney).

Traveled back to ATL.

12/04/2019 requested update on status of 2 pending request with WALSH. First was the HR document requested during POLAND interview. The second was the author of the TVA OGC supplemental document requested during the SLATER interview.

12/05/2019 Received the previously requested HR document from WALSH. Update was WALSH is still working on second request.

12/10/2019 Requested update on request for author of OGC supplemental and told it was pending discussions with TVA which were to be held today.

Requested the following from WALSH: Please provide copies of the ECP Pulsing Surveys and supporting documents conducted in January 2016, May 2016 and February 2017 which are referenced on pages 4-5 of the TVA OGC Report, dated August 10, 2018. It is referenced in footnote 10 on page 5.

CASE CHRONOLOGY

Facility: WATTS BAR 1 Case Agent: LUINA, SCOTT (SXL6)
Case Number: 2-2019-015 Date Opened: 04/22/2019

12/11/2019 **Received an email from Casey L. Miller Attorney with Bradley Arant Boult Cummings LLP, Nashville, TN.** The email was sent to Case Agent and Regional Counsel. It contained a letter which identified Miller as an attorney representing TVA. The letter demanded OI/NRC to return the TVA OGC Memo, dated August 30, 2019. The email was forwarded to the OI:RII SAIC and NRC OGC for review.

12/12/2019

12/13/2019 Spoke with Chris Chandler TVA OGC. Chandler advised Case Agent that the witnesses previously interviewed by him in regards to the WETZEL investigation are now represented by Tim WALSH.

Case Agent requested to interview CHANDLER about the WETZEL matter at his earliest convenience. Chandler related Dec 18, 2019, in Chattanooga would work but he needed to discuss with his legal counsel which would be Tim WALSH.

Case Agent contacted Jennifer GRACE, TVA OGC Attorney, and requested to interview her in regards to the WETZEL matter. GRACE related that would be fine and suggested Thursday, Dec 19, 2019, in Knoxville, TN and sent Case Agent a meeting reminder on email for a conference room in the TVA building.

12/16/2019 Tim Walsh advised he was representing CHANDLER and GRACE for the OI interviews. WALSH advised it is TVA's stance that the information OI wishes to interview CHANDLER and GRACE about is considered attorney client privileged information, therefore, the request to interview them is being delayed until this issue is resolved with NRC OGC.

01/07/2020 Continued reviewing documents and report writing.

01/08/2020

01/10/2020 Submitted draft ROI for SAIC review.

01/14/2020 Worked on corrections to draft ROI

01/21/2020 Case was closed as substantiated on January 21, 2020.

02/20/2020

03/03/2020

08/24/2020 NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY – \$606,942, NRC OFFICE OF INVESTIGATIONS REPORT NUMBERS 2-2018-033 AND 2-2019-015

08/24/2020 NOTICE OF VIOLATION to Erin Henderson. Details maintained by OE.

08/24/2020 ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES (NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2019-015) - Joe SHEA. Details maintained by OE.

09/28/2020 Affidavit was provided to OGC as request in reponse to a Motion from Shea.